United Nations A/HRC/28/66/Add.2

General Assembly

Distr.: General
30 January 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt

Addendum

Mission to Viet Nam (21 to 31 July 2014)* **

Summary

The report presents the main findings of the country visit to Viet Nam undertaken by the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, from 21 to 31 July 2014. After an analysis of Vietnamese legal framework and norms concerning freedom of thought, conscience, religion or belief, the Special Rapporteur identifies positive developments but also a number of serious problems; mainly the lack of clarity in the legal provisions that tend to give broad leeway to regulate, limit, restrict or forbid the exercise of freedom of religion or belief in the interest of "national unity and public order". Other challenges originate from the tight control that the Government exercises on religious communities. Whereas religious life and religious diversity are a reality in Viet Nam today, autonomy and activities of independent religious or belief communities, that is, unrecognized communities, remain restricted and unsafe, with the rights to freedom of religion or belief of such communities grossly violated in the face of constant surveillance, intimidation, harassment and persecution. The Special Rapporteur sees the need for improvements and shares his recommendations with a view to maintaining a constructive dialogue and cooperation with the Government.

* The summary of the present report is circulated in all official languages. The report itself, which is annexed to the summary, is circulated in the language of submission only.

** Late submission.

GE.15-01416 (E)

1501416

Please recycle

Annex

[English only]

Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, on his visit to Viet Nam (21 to 31 July 2014)

Contents

		Paragraphs	*Page*
I.	Introduction	1–5	3
II.	Brief overview on the religious landscape in Viet Nam	6–11	3
III.	Domestic legal framework and norms of freedom of religion or belief	12–39	5
	A. Relevant legal norms of freedom of religion or belief	12–15	5
	B. Restrictions of freedom of religion or belief	16–25	5
	C. Administrative stipulations on religious or belief activities and practices	26–35	7
	D. Issue of legal recourse	36–39	9
IV.	Autonomy of religious and belief communities	40–58	10
	A. Negative attitudes towards unrecognized religious communities	40–49	10
	B. Religious education and training	50–52	12
	C. Appointment of clergy	53–54	12
	D. Property and land issues	55–58	13
V.	Religious practices in particular circumstances	59–63	14
	A. Prison inmates	59–61	14
	B. Soldiers	62–63	14
VI.	Reports about violations of freedom of religion or belief	64–79	15
VII.	Conclusions and recommendations	80–84	18

I. Introduction

1. The Special Rapporteur on freedom of religion or belief visited Viet Nam from 21 to 31 July 2014. This was the second visit of the mandate after the 1998 visit of the Special Rapporteur's esteemed predecessor, the late Abdelfattah Amor.[1] He would like to thank the Government of Viet Nam for its invitation and for maintaining cooperation with his mandate. The Ministry of Foreign Affairs in particular was helpful throughout the preparation and the visit, including by facilitating a meeting with a prisoner. The Government Committee for Religious Affairs was similarly cooperative.

2. The Special Rapporteur is grateful to all interlocutors from the legislative, executive and judiciary branches of the Government at the central and local levels, as well as religious communities and institutions (legally recognized and unrecognized), civil society actors, the diplomatic community and United Nations agencies. Discussions held in Hanoi, Tuyen Quang, Ho Chi Minh City and Vinh Long were mostly open, frank and constructive. He would also like to thank the United Nations Development Programme in Hanoi for its logistical support.

3. However, the Special Rapporteur is disappointed that the planned visits to An Giang, Gia Lai and Kon Tum provinces could not be completed from 28 to 30 July owing to various interruptions that undermined the terms of reference of a country visit, while the privacy and confidentiality of some meetings and sources of information had been seriously compromised. He experienced first-hand and received credible information that some individuals with whom he wanted to meet had been heavily surveilled, warned, intimidated, harassed or prevented from travelling by the police. Even those who successfully met with him were not free from different degrees of police surveillance or questioning.

4. Moreover, undeclared "security or police agents" closely monitored the whereabouts of the Special Rapporteur and his interlocutors. All such incidents were in clear violation of the terms of reference of country visits that had been agreed upon by the Government prior to the visit. The Special Rapporteur is deeply concerned and outraged by incidents of reprisals,[2] including intimidation, harassment by way of police interrogations and even physical injuries of some of his interlocutors during and after his visit. The Special Rapporteur brought the instances to the attention of the Government, raised his concerns and sought clarifications and intervention to stop them. In one of the final meetings with the Government, the Vice Minister for Foreign Affairs reiterated the importance of the visit and indicated that the incidents of interruptions would be looked into and verified with the local authorities.

5. Even though some meetings could not take place owing to the interruption of the later part of his visit, the Special Rapporteur continues to receive relevant information in the scope of his visit. He also seeks factual clarifications from the Governments and relevant stakeholders.

II. Brief overview on the religious landscape in Viet Nam

6. A member of the Government Committee for Religious Affairs described the religious landscape in Viet Nam as a "museum of religions and beliefs". According to the official statistics presented by various Government agencies, there are currently 38

[1] See E/CN.4/1999/58/Add.2.

[2] See A/HRC/28/85, case VNM 11/2014.

registered religious organizations in the country. The overall number of followers of recognized religions is about 24 million out of a population of almost 90 million. Formally recognized religious communities include 11 million Buddhists, 6.5 million Catholics, 2.5 million Cao Dai followers, 1.5 million Protestants, over 1.3 million Hoa Hao Buddhists, 78,000 Muslims, 7,000 Bahá'ís, 1,500 Hindus as well as people with other beliefs, such as animists and non-believers. There are around 25,000 places of worship in the country. Viet Nam has also around 9,000 traditional belief festivals held per year and takes pride in having hosted international conferences of religious leaders, in particular the Day of Vesak, a summit of Buddhist dignitaries that took place in May 2014. The people of Viet Nam comprise 54 different ethnic groups, some of which including sizable groups of religious minorities.

7. While the majority of Vietnamese do not belong to one of the officially recognized religious communities, they may nonetheless — occasionally or regularly — practise certain traditional rituals, usually referred to in Viet Nam under the term "belief". Many of those traditional rituals express veneration of ancestors. In recent years, there have apparently been attempts to preserve or revive such traditional rituals among the ethnic or religious minorities.

8. Moreover, there is also a reality of religious faiths and practices outside of the officially recognized religious communities. However, it is difficult to get a clear and comprehensive picture of the religious life beyond those registered religious communities. While some Government experts gave a low estimation of the number of followers of unregistered religious communities, the Special Rapporteur also heard conjectures that the number of people practising religions outside of registered communities — or wishing to do so — may be up to several million.

9. Apart from the very different estimates of numbers, the Special Rapporteur also received conflicting information with regard to the conditions under which people could enjoy their human right to freedom of thought, conscience, religion or belief. One of the most striking features of recent religious developments in Viet Nam is the enormous growth of Protestantism, in particular among some ethnic or religious minorities. At the same time, this has led to some worrisome cases of religious persecution. The coexistence of people of different religious or denominational persuasion does not lead to major problems.

10. Many representatives of different religious communities acknowledged that there was generally more space for the exercise of religious freedom in Viet Nam at present, especially compared with the post-1975 situation. Religious life is a visible reality, as evidenced by places of worship that belong to various religions and denominations and by the participation of people from diverse religious and belief practices. At the same time, the conditions under which individuals or groups can exercise their right to freedom of religion or belief remain unpredictable, often depending on the good will of the local authorities, particularly Government agencies.

11. Despite the broadening of the space for religious or belief practices, religious communities remain subject to tight control. Members of unrecognized religious communities face enormous difficulties in practising their religion or belief, especially where such practices or rituals are not considered to be matching the "legitimate interests of the majority" — a phrase often invoked in discussions with representatives of the authorities. Moreover, many members of unrecognized communities face continuous religious persecution and, as a result, have to flee the country and are unable to return home to their families and relatives. It is worth noting that the invocation of historical reasons cannot serve as a justification for infringing freedom of religion or belief.

III. Domestic legal framework and norms of freedom of religion or belief

A. Relevant legal norms of freedom of religion or belief

12. Viet Nam has ratified most international human rights instruments, including the International Covenant on Civil and Political Rights. The newly amended Vietnamese Constitution, adopted on 28 November 2013, contains a chapter on "human rights and citizen's fundamental rights and duties" that did not exist in the 1992 Constitution. This is a positive step towards promoting and upholding human rights, even though some provisions are rather vague and ambiguous.

13. Representatives of the Government repeatedly highlighted that the rights holders under article 24 of the new Constitution in relation to freedom of religion or belief related to all human beings, unlike the provision of the 1992 Constitution, which was confined to the citizens of Viet Nam. This was presented as an indicator of a more positive attitude towards freedom of religion or belief. Article 24 states that: (1) everyone shall enjoy freedom of belief and of religion, can follow any religion or follow none, and all religions are equal before the law; (2) the State respects and protects freedom of belief and of religion; and (3) no one has the right to infringe on the freedom of belief and religion or take advantage of belief and religion to violate the law.

14. Viet Nam does not have a law regulating religious affairs. The most relevant legal document is the Ordinance on Belief and Religion (Ordinance 21), adopted after long deliberations on 18 June 2004. Ordinance 21 is the first comprehensive legal document that is pertinent to freedom of religion or belief in Viet Nam. Despite its restrictive language, its adoption symbolized a move towards the legal accommodation of religious and belief communities. Article 38 of the Ordinance provides that the stipulations of any international treaty concluded or acceded to shall prevail over the provisions of the Ordinance whenever they contravene. A decree detailing the regulations and enforcement measures of the Ordinance on Belief and Religion (Decree 92) was adopted on 8 November 2012.

15. The Special Rapporteur learned that a proposal would be submitted in 2015 to pass a law on religion or belief based on the current Ordinance; the new law was expected to be adopted in 2016. Apart from the higher legal status of a law in comparison to the current Ordinance, the process of creating a new comprehensive law offers an opportunity to introduce substantive revisions to Ordinance 21 in conformity with international human rights law in order to strengthen the protection of the right to freedom of religion or belief. When discussing this issue with Government experts on religious affairs, there were indications that land issues would be better addressed. At the same time, the freedom for foreigners to practise their religions or belief would also become easier. Other officials also expressed their willingness to consider substantive changes to overcome the still very restrictive language of Ordinance 21.

B. Restrictions of freedom of religion or belief

16. According to international standards, the exercise of the human right to freedom of thought, conscience, religion or belief is broadly protected by article 18 of the International Covenant but it is not without possible limitations. Article 18, paragraph 3, of the Covenant provides a number of criteria that must be satisfied for such limitations to be legitimate.

17. Limitation clauses as provided in the 2013 Constitution, Ordinance 21 and Decree 92 are much broader than the limitation clauses stipulated in the International Covenant.

The problem is that overly broad limitation clauses may blur the contours of freedom of religion or belief, thereby seriously jeopardizing its implementation in practice. One missing element in these legal provisions concerning religion or belief is a clarification on the internal dimension of a person's religious, moral or philosophical conviction — *forum internum* — that must be respected unconditionally and never be exposed to any restrictions or interferences for whatever reasons, even in situations of a serious crisis or an emergency.[3]

18. The unconditional protection of the *forum internum* reflects the principle that forcing human beings to feign a faith that is not authentic or to denounce their deeply held convictions would gravely undermine their self-respect and human rights. The prohibition of any coercive interference with the inner core of a person's religious, moral or philosophical conviction has the same elevated status under international law as the prohibition of slavery or the prohibition of torture. These are absolute prohibitions with no exceptions. However, article 24 of the 2013 Constitution, notwithstanding its reference to freedom of belief and religion in general terms, does not provide for a specific protection of the *forum internum* dimension of freedom of religion or belief. This may lead to serious protection gaps.

19. Unlike the *forum internum*, manifestations of religions or beliefs in the social sphere — *forum externum* — are not protected unconditionally by international law. Hence, the conditions for limitations must be specified in law, in a clear and predictable manner. This should be done in the understanding that freedom of religion or belief, in all its individual and community dimensions, has the normative status of a universal human right. The relationship between this freedom and its limitations thus should be seen as a relationship between rule and exception. It is important to stress that, in case of doubt, the rule prevails, that is, the burden rests with the Government to provide empirical evidence and normative reasoning to justify limitations that are deemed necessary.

20. In discussions with Government representatives, the Special Rapporteur frequently heard broad references to "the Vietnamese law". Such general invocation of domestic legal order is likely to obscure and undermine the normative rank of freedom of religion or belief as an inalienable universal right. In view of the inalienability of human rights, the scope of those rights, including freedom of religion or belief, cannot be left to the discretion of the national legislator.

21. Any limitations must be for the pursuit of a legitimate aim — the protection of "public safety, order, health, or morals or the fundamental rights and freedoms of others" as provided by article 18, paragraph 3, of the International Covenant.[4] Limitations must furthermore strictly remain in the realm of necessity and proportionality, which, inter alia, means that they should always be confined to a minimum degree of interference. These and other criteria are prescribed with the purpose of safeguarding the substance of freedom of religion or belief also in situations of a potential or factual collision with other rights or important public interests.

22. Many clauses in the 2013 Constitution, Ordinance 21 and Decree 92 give the State broad leeway to regulate, limit, restrict or forbid the exercise of freedom of religion or belief.[5] Article 14, paragraph 2, of the 2013 Constitution contains a number of reasons for restricting human rights and citizens' rights that, presumably, would also apply to freedom of religion or belief. While the possibility to restrict human rights in the interest of

[3] See article 18, para. 2, of the International Covenant on Civil and Political Rights. See also CCPR/C/21Rev.1/Add.4, para. 3.

[4] See also CCPR/C/21/Rev.1/Add.4, para. 8.

[5] See, for example, articles 8, para. 2; 15; and 16 of Ordinance 21; and articles 2; and 5 of Decree 92.

"national defence, national security, social order and safety, social morality and community well-being" differs slightly from the criteria set out in article 18, paragraph 3, of the International Covenant, article 24, paragraph 3, of the 2013 Constitution broadly allows limitation by forbidding anyone "to take advantage of belief and religion to violate the law".

23. Furthermore, Ordinance 21 and Decree 92 often make reference to purposes such as "national unity and harmony", "unity of people", "interests of the nation" and "fine cultural traditions, customs and habits", which are open to subjective interpretations. For example, article 8, paragraph 2, of Ordinance 21 provides that "no one shall be permitted to abuse the right to freedom of belief and religion to undermine the peace, independence and unity of the country, to instigate violence or carry out war propaganda or propaganda against State laws or policies; to sow division among the people and religions; to disturb public order, to encroach upon the life, health, human dignity, honour or property of others or to obstruct the exercise by the people of their civic rights or obligations; to carry out superstitious activities; or to commit other breaches of the law". The definition of the type of actions or activities that would constitute "propaganda against State laws and policies", actions of "sowing division" or "superstitious practices" remains unclear. Moreover, articles 87, 88 and 258 of the Viet Nam Penal Code are often applied arbitrarily in conjunction to punish people who are accused of violating the limitations set out in Ordinance 21 and/or Decree 92.

24. Senior representatives of the Government, including from the judiciary, frequently referred to these broad clauses of restriction. The invocation of the above-mentioned abstract purposes, such as "interest of the State", easily leads to criminal prosecution. The first paragraph of article 258 of the Penal Code reads as follows: "[t]hose who abuse the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe upon the interest of the State, the legitimate rights and interests of organizations and/or citizens shall be subject to warning, non-custodial reform for up to three years or a prison term of between six months and three years". The absence of specified acts that would amount to an "abuse" of religious freedom of other democratic freedoms in the paragraph is particularly disturbing. Even the members of a local provincial court and the People's Supreme Court could not clarify the meaning of the term "abuse" and failed to specify the acts that would constitute violations of the law. The ambiguous formulation in article 258 gives the relevant authorities carte blanche to sanction people for all sorts of activities — and their underlying attitudes — that are deemed to somehow run counter to the interest of the State. This may particularly apply to religious or belief communities, owing to their ability to organize people.

25. The Special Rapporteur had inferred from many of the discussions held during his visit that such ambiguity in the legal provision is not merely a theoretical problem. Article 258 is frequently invoked in practice and has been applied to arrest people who resist the imposed restrictions on their freedom of religion or belief and other human rights, such as the freedom of expression and the freedom of association and assembly. When the question of prisoners of conscience was raised, the Special Rapporteur was assured that no such cases exist in Viet Nam. Given the vague formulations and the high number of cases charged under article 258, this assurance remains however, rather doubtful.

C. Administrative stipulations on religious or belief activities and practices

26. An issue that was in the heart of almost all discussions held during the visit concerned the registration of religious or belief communities. Although article 5 of Ordinance 21 provides that the State guarantees the right to conduct belief and religious

activities. Ordinance 21 contains a broad number of regulations, reinforced by Decree 92, concerning the operation of religious or belief communities.

27. Decree 92 specifies the conditions and requirements of registration for belief or religious activity and operation. Religious or belief communities have to apply for specific permits for the construction or renovation of houses of worship; they have to present to the local authorities an annual overview of planned activities; they have to inform the authorities about the ordainment of religious clergy and in some cases must receive approval from the authorities; and they have to get permission from the relevant local authorities in order to conduct public ceremonies. Thus, the stipulations contained in Ordinance 21 and Decree 92 include obligations concerning information and notification as well as provisions for formal approval before being allowed to conduct certain religious or belief activities.

28. The excessive requirements in these provisions certainly amount to a high burden for the functioning of religious communities. Decree 92 does not seem to have made the life of the religious or belief communities easier with its extra layer of bureaucratic requirements, although the time frame within which the authorities are required to respond is shorter than before. In the case of a negative decision, they are obliged to state the reasons.

29. According to article 16 of the Ordinance, organizations have to meet a number of criteria in order to obtain the status of a legally recognized religious organization. These conditions are aimed, inter alia, at ensuring respect for the "fine customs and habits and interests of the nation".[6] Article 6 of Decree 92 also demands that other requirements be met before a registration is possible, including that religious organizations have conducted regular religious activities for at least 20 years from the date of being approved by a commune-level People's Committee for religious activities. Without going into further details of these provisions, the Special Rapporteur would like to raise two points of concern that are of particular importance in relation to freedom of religion or belief.

30. The first point concerns the nature of registration and whether this is an offer or a formal requirement. The Special Rapporteur received different views on this, and there seems to be a lack of clarity. While a number of Government representatives unambiguously stated that without legal registration by the authorities, the religious or belief communities would not be allowed to operate, others indicated that individuals from unregistered denominations could be "allowed" to exercise some basic religious functions, such as holding religious gatherings in private homes, as long as the authorities were notified of their activities. Even within this slightly more accommodating latter interpretation, the scope of freedom of religion or belief, however, remains extremely limited and unsafe. Moreover, it seems unclear what status the term "allowance" has. Obviously, it remains far behind a lawful entitlement on which communities could rely in respect of their members' right to freedom of religion or belief.

31. In this context, the term "recognition", often mentioned in conversations, may warrant a short clarification. The exercise of the human right to freedom of religion or belief, by individuals and/or in community with others, cannot be made dependent on any specific acts of administrative recognition, allowance or approval. As a universal right, freedom of religion or belief inheres in all human beings and thus has a normative status prior to any administrative acts and procedures whatsoever. The preamble of the 1948 Universal Declaration of Human Rights starts with the due "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family".

[6] Article 16 (1) of Ordinance 21.

Obviously, "recognition" here points to the basic principle that any meaningful interaction among human beings presupposes respect for human dignity and human rights. "Recognition" in this fundamental sense of respect for human dignity and human rights thus precedes any "recognition" in terms of specific administrative acts.[7]

32. It should be clear that the right of an individual or group to their freedom of religion or belief can never be "created" by any administrative procedures. Rather, it is the other way around: registration should serve this human right, which itself must be respected as preceding any registration. On the basis of this general understanding, registration should be an offer by the State but not a compulsory legal requirement. The situation of unregistered religious or belief communities thus assumes the quality of an important test question about the understanding of the normative status of freedom of religion or belief in general.

33. The second point that the Special Rapporteur would like to make concerns the availability of some alternative legal personality status for communities that are not registered as religious organizations. Given the rather high threshold set out by article 16 of the Ordinance, it seems important that religious or belief communities have a reliable option to obtain some alternative form of legal personality status, if they so wish.

34. Under freedom of religion or belief, States have a responsibility to provide an appropriate legal and institutional infrastructure that facilitates the free functioning of religious and belief communities without undue burdens and without discrimination. This includes the option for religious and belief communities to obtain legal personality status, which they may need to undertake important community functions, such as purchasing real estate, employing professional staff, operating charity organizations, establishing training institutions for clergy or educating the younger generation. Without the availability and actual accessibility of an appropriate legal personality status, such acts can only be undertaken by private individuals who take it upon themselves to do this in the interest of the community. As a result, the long-term development prospects of religious and belief communities, in particular smaller groups, may be in serious peril.

35. After the various discussions held with Government representatives on the issue of registration, the Special Rapporteur is convinced that this is an area of concern that requires legislative and other measures.

D. Issue of legal recourse

36. Article 30 of the 2013 Constitution enshrines the right of everyone to lodge complaints and denunciations with competent State authorities. Indeed, any efficient realization of human rights, including freedom of religion or belief, largely depends on the availability of suitable legal recourse. Everyone should have recourse to legal instruments without being required to meet undue thresholds or burdens. They should be able to challenge decisions taken by the authorities if they feel their rights have been infringed upon. Independent courts should be entrusted with the assessment of such complaints in accordance with all principles of due process.

37. The Special Rapporteur has not come across any cases in which people have successfully challenged alleged infringements of their rights to freedom of belief and religion within the judiciary. Members of the People's Supreme Court were not aware of a single successful case either. The Special Rapporteur finds this very surprising, especially

[7] See the report of the Special Rapporteur (A/HRC/19/60), including a thematic focus on the issue of freedom of religion or belief and recognition issues.

against the background of a number of conflicts over land issues that have been brought to his attention. Some of these conflicts apparently involve a dimension of freedom of religion or belief, for instance, when land previously used for religious cemeteries or places of worship was taken away for purposes of economic development.

38. When discussing the issue of legal recourse, reference was usually made to the possibility of administrative procedures, that is, filing petitions addressed to authorities, from the local level to higher levels of the administration. However, this option cannot count as equivalent to an independent judiciary in charge of securing the human rights of everyone, including in situations of conflict between individuals or groups of people and the administration.

39. Although the Special Rapporteur heard about a few cases in which petitions filed with higher authorities, including the Prime Minister, had helped to ease conflicts, in many other cases, petitioners had not seen any reaction at all. In yet other cases, the higher level of the authorities had merely referred the issues back to the local authorities for reconsideration, potentially putting the case in a kind of limbo. From the perspective of the rule of law, this situation is far from satisfactory.

IV. Autonomy of religious and belief communities

A. Negative attitudes towards unrecognized religious communities

40. Government representatives repeatedly emphasized that, while recognizing the spiritual needs of the people, religions should contribute to consolidating the unity of the nation as a whole, not least by promoting social values. This expectation seems to be made on the assumption that religious values, civic values and the values inherent in Marxist-Leninist doctrine and Ho Chi Minh's thoughts[8] largely overlap. Hence, religious communities are expected to play a role in teaching, preaching and sustaining such values as provided in article 2 of Ordinance 21, which states that "[d]ignitaries and clergypersons shall have the responsibility to educate regularly believers about patriotism, exercise of civic rights and obligations, and the sense of law observance".

41. Some religions or denominations have become members of the Fatherland Front, a mass organization led by the Communist Party of Viet Nam. One of the biggest religious organizations within the Fatherland Front is the Viet Nam Buddhist Sangha. It is also the sole legitimate religious organization and representative of the Vietnamese Buddhist monks, nuns and followers in Viet Nam and overseas. The Committee for Solidarity of Vietnamese Catholics also cooperates with the Fatherland Front in its capacity as a Catholic association. There are also other religious organizations under the Fatherland Front.

42. During discussions with the Viet Nam Buddhist Sangha at its central office in Hanoi, the Special Rapporteur learned that the organization comprised nine schools of Buddhism originating from the Mahayana tradition, which is dominant in Viet Nam, as well as the Theravada tradition, Hoa Hao and others. By cooperating in a spirit of solidarity, the different schools of Buddhism were able to maintain their distinctive characteristics and identities to a certain extent, including different linguistic heritages.

43. However, while acknowledging the internal diversity within the Viet Nam Buddhist Sangha, the Special Rapporteur noticed a remarkably dismissive attitude towards Buddhist practices outside of the organization. Some dignitaries operating within the organization

[8] See article 4, para. 1, of 2013 Constitution.

claimed they had never heard of any independent Buddhist groups in Viet Nam. Others alluded to mere "private opinions" of some individuals driven by morally problematic ambitions that were not worthy of serious attention. The ascription of trivial "selfish" interests, such as "personal ambition", "greed" or "material benefits" coming from foreign donors, to people who practise Buddhism or other religions outside of the official channels was a feature that came up frequently in conversations.

44. In this context, the Special Rapporteur asked officials on several occasions whether it seemed at least conceivable to them that the insistence on independent religious community life could also originate from more respectable motives, to which he never received a clear positive answer. This consistently negative attitude towards independent religious communities coincides with the regular invocation of "majority interests", which, it was assumed, should prevail over the rights and interests of minorities or dissenting individuals.

45. The Special Rapporteur would like to emphasize in this context that freedom of religion or belief is not merely a minority issue.[9] As a human right, it relates to all human beings, regardless of whether they follow a majority religion or belong to a minority community or to no religious community at all. The treatment of minorities, however, deserves particular attention, since it is usually indicative of the general — tolerant or less tolerant — climate in a society. The same is true with regard to individual religious dissidents, that is, individuals who hold positions not in line with mainstream communities and their official organizations. Where minority communities can operate freely and independently and where dissident positions can be voiced without fear, members of a majority typically also have more space for practising their religion in the way they see fit.

46. Moreover, respect for the views of individuals, including dissident views, facilitates the free flow of ideas in a society in general, thereby also enriching the interaction of people within the majority. However, the Special Rapporteur noticed that, in some discussions, "majority interests" were invoked with the obvious intention to dismiss claims of minorities or dissenting individuals as irrelevant or even to delegitimize them as morally problematic. This was also the case in discussions concerning independent religious communities, such as the Unified Buddhist Church of Viet Nam, certain ethnic minority Buddhist groups (some of whom identified themselves as "Khmer Krom" Buddhists), independent groups of Hoa Hao and Cao Dai, Protestants, Duong Van Minh and Falun Gong.

47. During his meetings with representatives of independent Buddhist communities, the Special Rapporteur heard complaints of ongoing heavy repression that prevented individuals from exercising their freedom of religion or belief in even a minimal way. The general attitude of delegitimizing non-official religious practices, which he encountered in many conversations, clearly indicated that independent Buddhist communities currently could not exercise their freedom of religion or belief. Moreover, some Buddhist monks who identified themselves as Khmer Krom expressed their wish to have more autonomy not only within the Vietnamese Buddhist Sangha but also outside of the official Buddhist umbrella organization. The situation of the independent communities of Hoa Hao Buddhism also seems to be similarly difficult.

48. A religion hardly known outside of Viet Nam is Cao Daism, which combines traditions of Buddhism, Confucianism, Taoism and Christianity with some new teachings. As in the case of Buddhism, Cao Dai followers are divided between those who are part of

[9] See the report of the Special Rapporteur (A/HRC/22/51), including a thematic focus on the issue of freedom of religion or belief of persons belonging to religious minorities.

the Government-established Cao Dai Administrative Council and those who insist on their independent religious practice. The relationship between the two groups seems to be tense. Whereas the officially recognized organizations of Cao Dai accuse dissenting groups of having a "separatist mind" and creating "confusion" among the people, the independent Cao Dai followers see the authenticity of their tradition jeopardized by Government interference, which, they claim, has led to some imposed changes of the Cao Dai religion.

49. While the Special Rapporteur is not in a position to assess the theological details of this conflict, he would expect that the Government ensure the free functioning of independent Cao Dai communities and facilitate their development in a way that they themselves see fit. The current situation of independent Cao Dai groups is certainly not in line with freedom of religion or belief, since the communities lack appropriate facilities for worship and teaching and allegedly face pressure to join the official organizations.

B. Religious education and training

50. Articles 19 and 20 of the Education Law 2005 prohibit the preaching of religion in schools and other educational institutions in Viet Nam. The Law nonetheless promotes "good customs" of different beliefs and festivities while warning against "superstitions" or those beliefs and practices considered as bad customs.

51. Meanwhile, the number of training institutions for the clergy of different religions has increased significantly in recent decades. According to information provided by the Government, there are 46 religious training institutions in the country. While religious communities decide on the main parts of the curriculum, such as the teaching of theological doctrines, practices and ceremonies and the history of the community, the curriculum also includes mandatory courses on the history and laws of Viet Nam provided for and overseen by the Ministry of Education and Training, as required by articles 14 and 15 of Decree 92. The Special Rapporteur also learned that Marxism or Leninism was part of the compulsory curriculum.

52. Apart from training institutions, religious or denominational schools do not exist in Viet Nam. However, the Catholic Church operates a number of kindergartens, apparently often in connection to a monastic order. These kindergartens accept children from different religious backgrounds in addition to Catholicism. Several religious organizations expressed their wish to establish institutions of higher learning, which is currently very difficult and requires long negotiation with the Government.

C. Appointment of clergy

53. According to the Government, religious communities can appoint and ordain their clergy in accordance with their own internal rules and laws. They reportedly do not need approval for their decisions from the authorities in general. However, communities are required to register ordained clergy and notify the authorities. Article 22 of Ordinance 21 requires that the appointed persons be Vietnamese citizens, having good ethical qualities and spirit of national unity and harmony. Such vague requirements seem disproportionate and it is not the role of State to interfere in the internal affairs of the organizations. Concerning dismissals of clergy or monks, which are apparently rare, decisions are also generally taken by religious communities, in accordance with their religious laws. However, the Special Rapporteur also came across allegations of Government interference in some cases of defrocking monks. Although he was not able to establish the details required for a clear assessment of individual cases, he is convinced that the very limited options for autonomous religious community life certainly lead to structural vulnerability,

that is, situations in which appointments or dismissals may be de facto largely influenced by the interests of the Government. However, article 6 (g) of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief[10] explicitly guarantees the freedom to "train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief".

54. The situation of the Catholic Church demonstrates some exceptional features since the ordainment of bishops is carried out by the Holy See, that is, a "foreign" authority based outside of Viet Nam. The Catholic Church in Viet Nam sees itself as part of the universal church. Against this background, the appointment and ordainment of bishops has led to some controversies. Although Viet Nam and the Holy See still do not maintain official diplomatic relations, their relationship has much improved in recent years, and high ranking delegations have met on numerous occasions, including a meeting between the Pope and the Prime Minister in October 2014. While the Government continues to claim a power of veto over the ordainment of bishops, pragmatic solutions can reportedly be negotiated.

D. Property and land issues

55. During the visit, many property issues were brought to the attention of the Special Rapporteur, not only by members of unrecognized communities, but also by representatives of communities that are officially recognized and members of the Fatherland Front. Many of the property claims concerned real estate and/or land. In the interest of economic development and other modernization projects, some religious communities have lost or are in danger of losing large parts of their land, along with places of worship of historical value.[11] The Special Rapporteur heard multiple requests from religious communities, including some that were recognized, to repossess the property and land in order to be fully operational.

56. Property disputes require precise information on complicated details; the Special Rapporteur therefore limits himself to a few general remarks. The availability of real estate and land is one of the basic preconditions for religious community life. Clear and well-established ownership furthermore becomes an important factor defining the autonomy or lack of autonomy of religious communities. The fact that, in Viet Nam, all lands are managed by the State and no one can own any land creates an additional element of legal insecurity for communities, including officially registered communities, as the State can take back land whenever it seems opportune. Moreover, some communities, such as the Chams, who profess a combination of Hinduism and Islam, show a strong cultural or religious attachment to particular pieces of land, for instance, the burial places of their ancestors.

57. Government representatives openly admitted that land conflicts existed in Viet Nam, as in many other countries. At the same time, they questioned whether such conflicts could in any sense affect freedom of religion or belief. At least in some cases, however, religious

[10] General Assembly resolution 36/55.

[11] For example, in 2007, the local government of Da Nang city announced a plan to expropriate the Con Dau village. Compensation was poor and the request of the parishioners to be resettled near their church was rejected twice. By 2013, hundreds of residents had moved out under threats and harassment or after their homes had been forcibly demolished. Concerns were expressed that the forced eviction of the residents of Con Dau would seriously disrupt the cultural and religious life of the community (see A/HRC/27/72, case VNM 3/2014). See also the case of Lien Tri Pagoda (A/HRC/28/85, case VNM 11/2014).

demands obviously played an important role in land issues. For instance, representatives of Protestant groups spoke about cases in rural areas in which different Protestant parishes were merged into one single parish for purposes of "easier management". Reportedly, such merging was not always handled with due respect for the distinct features of different Protestant denominations and the religious needs of parishioners of different locations. Managerial advantages and interests in using land for various economic purposes often seem to trump people's freedom of religion or belief.

58. Conflicts over land issues always require sensitive handling in order to provide acceptable solutions for all interested parties. The Government emphasized that it provided land for the use of religious communities with tax exemptions. However, the above-mentioned lack of effective legal recourse, in particular within the judiciary, has strong relevance also for the situation of land and other property issues related to religious communities. In conversations with representatives of various religious communities, again including communities that cooperate with the Government within the Fatherland Front, the Special Rapporteur noticed high degrees of frustration about inefficient legal procedures. As a result, some religious communities felt they were largely left at the mercy of local authorities.

V. Religious practices in particular circumstances

A. Prison inmates

59. As mentioned above, article 24 of the 2013 Constitution refers to all human beings rather than to citizens only. This would include prisoners who, even if they may have temporarily lost their full rights as citizens, should in any case benefit from the right to freedom of religion or belief as a universal human right inherent in all human beings. When discussing this issue, the Special Rapporteur received conflicting information. Government agencies generally emphasized that prison inmates could practise their religion within the confines of the prison provided this does not negatively affect other prisoners and the general functions of prison life.

60. By contrast, some individuals with knowledge and experiences of prison life alleged that religious practices were hardly accommodated in prisons and that even the reception and possession of religious books or materials would usually be prohibited. When asked about this issue, a high-ranking representative of the Government Committee on Religious Affairs told the Special Rapporteur that prisoners' freedom of religion or belief should be respected, while admitting that the Committee so far had not given any instructions to prison managements in order to secure an effective protection of freedom of religion or belief for prison inmates.

61. The institution of prison chaplains, that is, clergy of different religions, who cater for the spiritual needs of prison inmates, on their requests, does not exist in Viet Nam. However, representatives of the Viet Nam Buddhist Sangha explained they would increasingly offer services in prisons, including lectures for the social and moral edification of prisoners. Catholic priests, too, seem to have occasionally offered religious services to prison inmates. Protestant pastors with whom the Special Rapporteur discussed this issue said they were not aware of any spiritual assistance given to Protestant prison inmates.

B. Soldiers

62. The Vietnamese military does not have a system of military chaplains who regularly cater for the religious or spiritual needs of soldiers. Similar to the situation in prisons,

however, the Viet Nam Buddhist Sangha seems to have become increasingly involved. The Special Rapporteur was told that Buddhist monks prayed for soldiers who serve the nation under complicated conditions. They may also teach meditation technics that can help soldiers to better come to terms with their difficult task and living conditions.

63. The right to conscientious objection to compulsory military service is not known in Viet Nam, and the option of an alternative civilian service for individuals who object to taking arms for conscientious reasons does not exist. This contravenes the right to freedom of thought, conscience and religion or belief, which provides protection, consistent with article 18, paragraph 3, of the International Covenant, against being forced to act in contrary to genuinely held religious or moral belief.[12]

VI. Reports about violations of freedom of religion or belief

64. The Special Rapporteur has received serious allegations concerning violations of freedom of religion or belief in Viet Nam. Reported violations are often perpetrated by local authorities at the commune, district and provincial levels and public security officials, including those belonging to Unit 41/PA 38, who are assigned to monitor social issues and "detect people who violate freedom of religion or belief". Some attacks have been particularly violent in nature and perpetuated against innocent and unarmed people, including women and children.

65. Leading Buddhist clerics, monks and nuns of the Unified Buddhist Church of Viet Nam have been subjected to surveillance, police "work sessions" (interrogations), arbitrary arrest and detention, house arrests and long-term imprisonment.[13] Lay followers have been forbidden from accessing its pagodas, forced to sign a declaration that they would not join the organization or threatened with the loss of their jobs. Furthermore, relevant authorities have issued propaganda against the organization. Educational and health establishments and places of worship belonging to these communities have been confiscated.

66. The independent communities of Hoa Hao Buddhism, who have engaged in peaceful forms of protest, such as hunger strikes, have been harshly punished, including with repeated or long-term imprisonment.[14] Security agents and hired thugs have reportedly not hesitated to use excessive force during arrests or attacks of these communities for organizing gatherings to pray at so-called "illegal minarets" that were built for religious congregation purposes.

67. Some "Khmer Krom" Buddhists have faced similar difficulties in getting permission to organize prayers, funerals or renovate their temples, even though they have been recognized by the Viet Nam Buddhist Sangha. It has also been reported that they have been systematically discriminated against and many have not been allowed to study or teach in their local native language. Every aspect of their religious life is regulated and monks risk being disrobed if found to have been in contact with foreign countries.

---

[12] See A/HRC/7/10/Add.2, para. 46 and A/HRC/10/8/Add.4, para. 51.

[13] In early January 2014, members of the Unified Buddhist Church of Viet Nam executive were subjected to police harassment and placed under house arrest. The security police purportedly prevented the new Church leadership from organizing a memorial day ceremony on 10 January 2014 and subsequently intercepted members of the Church and prevented them from attending the celebrations. Several leaders of the Church youth movement were also harassed and placed under house arrest (see A/HRC/26/21, case VNM 2/2014).

[14] See, for example, A/HRC/28/85, case VNM 10/2014.

68. None of the practices of the independent Cao Dai religion have been authorized, and the religion itself is considered illegal. Followers of Cao Dai encounter difficulties even to practise at home. Like other independent communities, they have been pressured, harassed and attacked physically. Their ritual ceremonies, including funerals, have often been monitored and disrupted. Moreover, they constantly fear losing their jobs and being discriminated against in administrative procedures. Some of their children have also faced difficulty at school.

69. The Special Rapporteur has also heard about the harsh persecution of the followers of "Montagnard" churches, such as the Ede ethnic minority. Hundreds of ethnic minority churches in the Central Highlands region have been forced to close and their pastors arrested and imprisoned. Thousands have been forced to flee or go into hiding after mass protests calling for land rights and religious freedom. Those who fled to neighbouring countries face many obstacles and continue to fear for their lives. It was also reported that, in 2000, the Government issued documents instructing local officials overseen by the Guidance Committee to stop the spread of Protestantism.

70. According to information received, even though some Hmong Protestants have been allowed to register with the Government to conduct religious activities, they continue to be subjected to harassment and slander. Allegedly, the authorities have found pretexts to arrest them, beat them severely in police custody and force them to recant. There has even been a reported case of a death in police custody. In some villages, rules have been created to punish converts by forced eviction. They are also not allowed to own bibles in their native Hmong language or to use their local language to conduct religious activities.

71. Hmongs of the Duong Van Minh faith have also been subjected to arbitrary detentions and imprisonment, beatings, torture, constant monitoring, and pressure to renounce their faith. Those who have refused to do so face losing their jobs and the social benefits provided to ethnic minorities. Reportedly, 24 of their funeral sheds have been destroyed for being "illegitimate", that is, without a permit, including the most recent destruction in October 2014, after the country visit of the Special Rapporteur. The Government has also allegedly spread propaganda against this community through the media and internal gazettes of the Government.

72. Cham communities are facing the threat of losing their land, especially their sacred ancestral cemeteries that have been passed down from generation to generation. New development projects, including road constructions, have failed to consult with the communities or respect the needs of the communities to relocate tombs by conducting appropriate traditional rituals. It was also reported that, owing to the resistance of the communities to relocate the cemeteries, all mosques were allegedly locked up during Ramadan and would only be accessible if they agreed to the relocation plan. Some temple towers of the Chams have been turned into tourist attractions, which is considered utterly inappropriate by the community as these sacred places of worship should usually remain closed. They have also failed to register themselves despite many attempts.

73. The Special Rapporteur heard many accounts of arbitrary arrests or house arrests and recurring detentions, including some disproportionately long prison sentences given to individuals from different religious or belief backgrounds for the advocacy of their religious freedom or activities. Often, they were charged under article 258 of the Penal Code with "offending democracy", "partaking in a separatist movement" or "distorting a situation and criticizing the Government", simply for exercising their rights to freedom of religion or belief, freedom of opinion and expression and freedom of assembly and association in a peaceful manner. The Special Rapporteur met with Nguyen Van Ly in Nam

Ha Prison, whom he would without doubt recognize as a prisoner of conscience or political prisoner.[15] To his dismay, Father Ly is possibly one of the many more prisoners or detainees of conscience that exist in Viet Nam.

74. Other individuals, for example, members of the Evangelical Mennonite Church for example, have also suffered frequent heavy-handed police raids; repeated invitations to "work sessions" with the police; torture during detention; pressure exercised on family members, especially those of religiously persecuted refugees; acts of vandalism and the destruction of places of worship, cemeteries and funeral sheds and homes; confiscation of property; and systematic pressure to give up certain religious activities and denounce their religion or belief. As a result of pressure and persecution, some people have left or fled the country on religious grounds. The Special Rapporteur would also like to underline that official registration status with the Government is no guarantee that freedom of religion or belief is fully respected.

75. The purpose of a country visit by the Special Rapporteurs is not to make comprehensive assessments of individual cases as this would require much more information in order to get the full picture of relevant facts from the perspectives of all involved parties. Instead, the purpose is to assess the general credibility of different allegations concerning human rights problems and identify major challenges. Without prejudice to the accuracy of all specific facts of all individual cases brought to his attention, the Special Rapporteur is convinced that serious violations of freedom of religion or belief are a reality in Viet Nam, in particular, but not only, in rural areas.

76. This general assessment is made on the basis of not only interviews and documents provided by human rights defenders and members of different religious communities, but also observations made during the country visit, including:

- The generally dismissive, negative attitude towards the rights of minorities and individuals practising religions or beliefs that are not registered
- The frequent invocation of unspecified "majority interests" or interests of "national unity and harmony" or "public disorder"
- Overly broad provisions for the limitation of human rights in general, hence restricting freedom of belief and religion in all aspects
- Vague formulations within the Viet Nam Penal Code, in particular article 258 concerning the "abuse" of democratic freedoms
- The absence of sufficiently efficient and accessible legal recourse within the judiciary

77. These conditions create a structural vulnerability for certain individuals and communities that actually matches the reports of specific violations described above.

78. The Special Rapporteur would like to underline in this context that, in his many discussions with members of religious communities, some of which are formally registered with the authorities and cooperate within the Fatherland Front, people have shown a general awareness of ongoing restrictions of freedom of religion or belief and the resulting challenges. It is all the more surprising that leading members of the judiciary apparently

[15] See the allegations of the Special Rapporteurs concerning the case (E/CN.4/1991/56, para. 86; E/CN.4/1993/62, para. 68; A/56/253, para. 77; A/HRC/7/10/Add.1, paras. 301-303; and A/HRC/16/53/Add.1, paras. 422-427) and the responses of the Government of Viet Nam (E/CN.4/1994/79, para. 80; E/CN.4/2002/73, para. 114; A/HRC/7/10/Add.1, paras. 304-308; and A/HRC/16/53/Add.1, paras. 428-430).

have never heard about any cases in which alleged infringements of freedom of religion or belief have been brought before a court.

79. An important aspect that came up in many discussions concerns the divide between urban and rural areas. The conditions of religious communities may vary considerably, according to different practices in different parts of the country. Moreover, it seems that policies at the central level are not always efficiently communicated to the authorities at the local level, hence there is a gap between the understanding and the implementation of the policies. However, it would not be fair to ascribe the existing problems mainly to shortcomings only of local authorities. Central authorities should review their policies and instructions to ensure that their implementation is compatible with international human rights standards. It is also not fair to blame the existing problems on the lack of education of villagers or people in rural areas, because many of the described challenges are of a systemic nature, as evidenced in respective domestic legal regulations.

VII. Conclusions and recommendations

80. **The terms of reference for country visits by Special Rapporteurs include guarantees concerning the "confidential and unsupervised contact with witnesses and other private persons" and the "assurance by the Government that no persons, official or private individuals who have been in contact with the special rapporteur [...] in the relation to the mandate will for this reason suffer threats, harassment or punishment or be subjected to judicial proceedings". Serious incidents of intimidation and cases of a blatant breach of the principle of confidentiality unfortunately led to an incomplete country visit to Viet Nam.**

81. **This interruption is all the more regrettable as the Special Rapporteur had observed some positive developments, in particular at the central level. Many representatives of religious communities agreed that, in spite of ongoing serious problems, their space for religious practices had increased in recent years. Religious communities that had been forbidden after 1975 were now allowed to operate. Diverse religious life has become a visible reality in all parts of the country, and different religious communities coexist peacefully. Moreover, some representatives of Government agencies expressed their willingness to consider substantive revisions of the current Ordinance on Beliefs and Religions in the process of preparing a draft law on these issues.**

82. **A litmus test for the development of freedom of religion or belief in Viet Nam is the conditions of independent or unregistered religious communities. As elaborated above, the exercise of freedom of religion or belief cannot be rendered dependent on any particular acts of administrative approval; as a universal human right, it is inherent in all human beings, prior to any acts of registration or official recognition. Under the current situation, however, the possibilities of independent religious life are unsafe and restricted, in clear violation of article 18 of the International Covenant on Civil and Political Rights, to which Viet Nam has been a State Party since 1982. The upcoming law on religious affairs, to be discussed and possibly enacted in 2016, offers an opportunity to rectify this state of affairs.**

83. **Against this background, the Special Rapporteur would like to make the following recommendations to the Government of Viet Nam:**

(a) The Government is encouraged to broaden and solidify the very limited and unsafe space provided for the free unfolding of religious diversity in Viet Nam. In this context, the situation of independent religious or belief communities should be seen as a test question indicative of the general societal tolerance;

(b) Article 38 of the current Ordinance on Belief and Religion (Ordinance 21), which provides for the prevalence of international treaties over conflicting domestic legislation, should be implemented to the fullest. This requires reforms both at the legislation and practical implementation levels;

(c) Legal provisions related to freedom of religion or belief should be brought in line with article 18 of the International Covenant. This includes the unconditional protection of the *forum internum* dimension of freedom of religion or belief as well as precise formulations of limitation clauses concerning religious manifestations in the *forum externum*;

(d) Vague formulations in the legal provisions that are used to limit freedom of religion or belief and other human rights, such as those employed in article 258 of the Penal Code regarding the "abuse" of freedom, should be removed and replaced by precise legal definitions, in line with international standards;

(e) The Government should clarify that the official registration of religious or belief communities is an offer rather than a legal requirement. The envisaged new law on religious affairs should simplify the registration requirements for the religious communities;

(f) The Government Committee on Religious Affairs is encouraged to advise the Government on the draft law on the international standards that protect and promote freedom of religion or belief. Proper legal training and instruction to the local authorities on these issues must be provided accordingly;

(g) Religious or belief communities that, for whatever reasons, do not have or do not wish to have registration status under the current Ordinance 21 (or the future law replacing the Ordinance), should have efficient access to an alternative form of legal personality status, which they may need to undertake important community functions. This requires respective reforms of the law of associations, as currently under discussion;

(h) Restrictions imposed on religious communities under Ordinance 21 in conjunction with Decree 92 should be substantially eased, in accordance with, inter alia, the principle of proportionality, as enshrined in article 18 of the International Covenant.

(i) Effective and accessible legal recourse must be prioritized in current legal reforms in order to allow victims, whose freedom of religion or belief have been infringed upon, to obtain redress and compensation within an independent judicial system and judiciary;

(j) State officials and religious leaders should refrain from publicly attacking independent religious groups, including through the media;

(k) The State should investigate allegations of violations of freedom of religion or belief and other human rights;

(l) Land issues involving religious communities, including cemeteries and places of worship, should be handled in a fair and sensitive manner. Communities and their representatives should have legal recourse to rectify decisions deemed to violate freedom of religion or belief or other human rights;

(m) The Government is encouraged to further develop the landscape of religious training institutions. The selection of candidates and programmatic issues should be entirely left to the religious communities that operate these institutions;

(n) The Government is also encouraged to create more space for religious and denominational schools, beyond the kindergarten level;

(o) The Government is further encouraged to provide fair and accurate information about religions and beliefs as part of school education. Such information should appropriately reflect the self-understanding of the concerned communities;

(p) Prison inmates should be able to exercise their freedom of religion or belief, including by possessing and using religious literature or other religious items. They should also be given the means to contact a religious figure if they so wish;

(q) The Government Committee for Religious Affairs should play a crucial role in instructing and providing regular training to local authorities and public security officials on the interpretation of relevant regulations in conformity with universal human rights;

(r) The Government should remove special public security units, such as Unit 41/PA 38, that seem to carry out controversial functions, contrary to the purpose of protecting freedom of religion or belief;

(s) The Special Rapporteur would like to reiterate his request that the Government reconfirm its guarantee that none of the persons with whom he met or intended to meet will be subject to any form of reprisals;

(t) The Special Rapporteur, as part of his continued cooperation with the Government, would like to offer his expertise in reviewing the upcoming draft law from the perspective of international standards. He would also like to conduct a follow-up visit to Viet Nam in the near future to pursue its cooperation with the Government and assess the extent to which his recommendations have been taken into consideration and implemented.

84. **The Special Rapporteur would like to add some recommendations addressed to the international community:**

(a) International human rights organizations should pay systematic attention to and report on the situation of freedom of religion or belief in Viet Nam, including in particular the situation of members of unrecognized religious communities;

(b) Intergovernmental organizations that deal with refugees from Viet Nam should assess alleged violations of freedom of religion or belief carefully in view of ongoing serious restrictions and persecution, in particular of independent religious communities;

(c) The Human Rights Council should act on allegations of intimidation and reprisals taken against persons who have cooperated with mandate holders during their visit;

(d) The United Nations country team should consider integrating the observations and recommendations in the present report to its common country assessments/United Nations Development Assistance Framework and monitor the implementation of the recommendations, along with those accepted recommendations of the treaty bodies and universal periodic review.